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# *Office of Inspector General*

# *Audit Report*

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## **Free Industry Flight Training of Inspectors**

## **Federal Aviation Administration**

**Report Number AV-1998-042  
Date Issued: December 9, 1997**





U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

Office of Inspector General

# Memorandum

Subject: ACTION: Report on Free Industry  
Flight Training of FAA Inspectors  
Report No. AV-1998-042

Date: December 9, 1997

From:

  
Lawrence H. Weinrob  
Assistant Inspector General for Auditing

Reply  
to  
Attn of:

To: Federal Aviation Administrator

This is our final report on the audit of Free Industry Flight Training of Federal Aviation Administration (FAA) "flight standards" inspectors. We concluded that FAA's Aircrew Designated Examiner Program (Program), which is dependent on a "quid pro quo" agreement between the FAA and regulated air carriers, may preclude FAA from taking enforcement action, when warranted, against air carriers and their employees. These agreements tend to preclude effective surveillance and oversight, and significantly diminish FAA's ability to enforce safety regulations.

The agreements reached under this Program are quite different than those envisioned by FAA's Flight Operations Quality Assurance Programs (FOQA). Under the Program, the agreements tend to preclude FAA enforcement action on specific aircraft, airmen, and even the air carrier, regardless of circumstances that typically would result in enforcement. Under FOQA, the FAA clearly reserves the latitude to take necessary and appropriate enforcement action.

## Aircrew Designated Examiner Program

FAA Flight Standards Service inspectors are responsible for checking qualifications of aviation pilots, and other airmen such as flight engineers, through written and in-flight tests. FAA inspectors also perform routine periodic surveillance of air carrier flight operations, training programs, and aircraft maintenance.

FAA has established several “designated examiner” programs in an effort to direct its limited inspection resources towards areas of greater risk and areas that FAA considers more appropriate for government inspectors. A typical example of an examiner program that generally works well is FAA’s program for aircrew medical examinations. Physicians across the country apply for certification to be a designated examiner. Once approved, aircrew members requiring a physical examination select a “designated” physician and pay for the examination. FAA certifies designated physicians, and performs periodic surveillance of their performance to ensure compliance with FAA-established procedures. In this type of “designated examiner” program, FAA has successfully leveraged its inspection staff by minimizing the number of actual FAA inspection hours in relation to the number of “designated” examinations conducted annually. Furthermore, these third-party “designated examiner” programs do not entail an agreement whereby FAA relinquishes its ability to effectively perform surveillance, and seek enforcement action, of regulated carriers.

#### Aircrew Designated Examiner Program

FAA established this Program for the purpose of delegating certification authority and responsibility to major passenger-carrying airlines (such as American Airlines), cargo-only carriers (such as Federal Express), and regional airlines (such as Piedmont Airlines). The certification authority and responsibility is assigned to designated airline employees known as Aircrew Program Designees (APD). APDs perform initial and subsequent testing and certifications. As of January 1997, there were about 30 airlines participating in this Program and 400 airline pilots functioning as APDs. FAA inspectors perform periodic surveillance of APDs to ensure compliance with testing and certification procedures. FAA inspectors also perform several types of ground and in-flight safety inspections on air carriers participating in the Program. In exchange for approval to participate in the Program, FAA requires the air carriers to provide free training for FAA’s inspectors in the carrier’s aircraft and simulators. A written agreement to provide training for FAA’s inspectors, in exchange for authority to participate in the Program, is required by FAA Order 8400.10.

#### Written Agreements

Written agreements conferring APD authority typically take the form of a Memorandum of Understanding. In one such agreement we reviewed, FAA agreed to defer an enforcement, or other action, until a mutually acceptable solution could be reached. This type of agreement could very well preclude the “grounding” of an aircraft, an airman, or an air carrier for a prolonged period; even if there was a high safety risk. In fact, an FAA Assistant Chief Counsel, in referring to these agreements as requiring a “quid pro quo,” points out that with

regard to at least one specific air carrier, an APD agreement precluded him from seeking an enforcement action; even though circumstances and prudence would have required one.

### FAA Training Needs

We recognize that FAA's training needs are both extensive and expensive. With shrinking budgets, FAA must be creative in obtaining necessary training where it can, for the least cost. Under certain circumstances and conditions, it may be appropriate for FAA to accept training from regulated air carriers. However, in our opinion, acceptance of training should not preclude effective oversight and enforcement.

### Recommendation

We recommend the FAA discontinue the practice of entering into agreements that preclude FAA from fulfilling its inspection and oversight responsibilities.

### Management Comments

We discussed this report with the FAA Administrator. She agreed that APD agreements should not include provisions that preclude effective oversight and appropriate enforcement actions.

### Action Required

Please provide your reply to this report within 30 days. I appreciate the courtesies and cooperation extended by FAA representatives. If you have any questions concerning this report, please call me on (202) 366-1992, or John Meche on (202) 366-1496.